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PATENT  
29715/33638A**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants:

**AMMONS et al.**

Serial No: 09/416,828

Filed: October 12, 1999

) METHODS OF TREATING CONDITIONS  
) ASSOCIATED WITH INTESTINAL  
) ISCHEMIA/REPERFUSION  
)  
) Group Art Unit: 1647  
)  
) Examiner: David S. Romeo

**RESPONSE TO NOTICE TO FILE MISSING PARTS**

Commissioner for Patents  
Mail Stop MISSING PARTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Submitted herewith is a response to the Notice to File Missing Parts in the above-identified application in response to the Notice To File Missing Parts Of Nonprovisional Application issued by the Patent and Trademark Office on May 20, 2003. Submitted herewith is an authorization to pay the basic filing fee and the late oath or declaration fee. The total amount submitted has been calculated as follows:

<b>SMALL ENTITY</b>			<b>AMOUNT DUE</b>
Basic Filing Fee			<b>385.00</b>
Claims	Number Filed	Number Extra	
Total Claims	10 - 20	0	0.00
Independent Claims	1 - 3	0	0.00
Multiple Dependent Claims	0	0	0.00
Surcharge for late Oath or Declaration			<b>65.00</b>
<b>TOTAL</b>			<b>\$450.00</b>

**CERTIFICATE OF MAILING (37 CFR 1.8)**

I hereby certify that this paper and the documents referred to as enclosed therewith are being deposited with the United States Postal Service as first class mail, postage prepaid, on **November 20, 2003** in an envelope addressed to Commissioner for Patents, Mail Stop MISSING PARTS, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Repln. Ref: 11/26/2003 BSAYASI1 0013593200  
DAH:132855 Name/Number:09416828  
FC: 9204 \$385.00 CR

  
Jeffrey S. Sharp

11/26/2003 BSAYASI1 00000095 09416828

01 FC:2254  
02 FC:2051740.00 OP  
65.00 OP

Enclosed is our check in the amount of \$1,190.00 (\$450.00 in payment of the fees and \$740.00 in payment of a four-month extension of time).

A copy of this request is enclosed.

Please refund any overpayment to Marshall, Gerstein & Borun LLP at the address below.

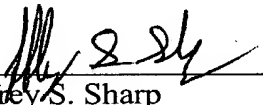
**Correspondence Address:**

**Customer No. 04743**

Respectfully submitted,

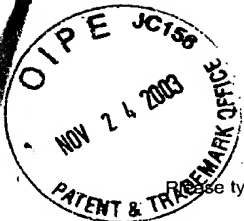
MARSHALL, GERSTEIN & BORUN LLP  
6300 Sears Tower  
233 South Wacker Drive  
Chicago, Illinois 60606-6402  
(312) 474-6300

By:

  
\_\_\_\_\_  
Jeffrey S. Sharp  
Registration No. 31,879  
Attorney For Applicant

**November 20, 2003**

700969



T.N 1621

mp \$ ✓

Please type a plus sign inside this box → ☐

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PTO/SB/21 (08-00)  
Approved for use through 10/31/2002. OMB 0651-0031  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	09/416,828
	Filing Date	October 12, 1999
	First Named Inventor	AMMONS et al.
	Group Art Unit	1647
	Examiner Name	David S. Romeo
Total Number of Pages in This Submission	Attorney Docket Number	29715/33638A

TECH CENTER 1600/2900

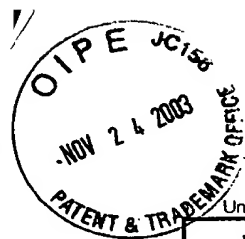
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ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below)
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input checked="" type="checkbox"/> Response to Missing Parts/Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual Name	MARSHALL, GERSTEIN & BORUN LLP Jeffrey S. Sharp - 31,879
Signature	
Date	November 20, 2003

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.	
Dated: November 20, 2003	Signature:  (Jeffrey S. Sharp)



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# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003, Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 1,190.00

## Complete if Known

Application Number 09/416,828  
Filing Date October 12, 1999  
First Named Inventor AMMONS et al.  
Examiner Name David S. Romeo  
Art Unit 1647  
Attorney Docket No. 29715/33638A

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## METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None

☐ Deposit Account:

Deposit Account Number

13-2855

Deposit Account Name

MARSHALL, GERSTEIN & BORUN LLP

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments

☐ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	385.00
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$) 385.00

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

		Extra Claims	Fee from below	Fee Paid
Total Claims		** =		
Independent Claims		** =		
Multiple Dependent				

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 0.00

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	65.00
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	740.00
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 805.00

## SUBMITTED BY

Name (Print/Type) Jeffrey S. Sharp

Registration No. (Attorney/Agent)

31,879

(Complete (if applicable))

Telephone (312) 474-9578

Signature

Date

November 20, 2003

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: November 20, 2003

Signature:

(Jeffrey S. Sharp)



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/416,828	10/12/1999	WILLIAM STEVE AMMONS	<del>27129</del> /33638A	6675

7590

05/20/2003

JEFFREY S SHARP  
MARSHALL O'TOOLE GERSTEIN MURRAY & BORUN  
6300 SEARS TOWER  
233 SOUTH WACKER DRIVE  
CHICAGO, IL 606066400

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JUN 8 2003

MARSHALL GERSTEIN



EXAMINER
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ROMEO, DAVID S

ART UNIT	PAPER NUMBER
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1647

DATE MAILED: 05/20/2003

Docketed: 7/20/03

Please find below and/or attached an Office communication concerning this application or proceeding.

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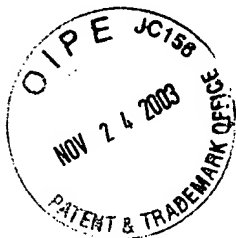
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JAN 08 2004

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Docketed: 7/20/03

DATE MAILED:

### NOTICE TO FILE MISSING PARTS OF APPLICATION (CPA) Filing Date Granted

The Continued Prosecution Application (CPA) request filed on 5/9/03 is entitled to a filing date under 37 CFR 1.53(d)(1). The CPA request, however, lacks the filing fee(s) and/or items indicated below.

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the fee(s), item(s), and any surcharge required below to avoid abandonment of this CPA. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

The total amount owed by applicant is the sum of items 1(a) or (b), 2, and 3 (if checked) below.

- ☒ 1. The statutory basic filing fee is:  
☒ missing.  
☐ insufficient.

(a) Applicant must submit \$ 750 to complete the basic filing fee and the \$130.00 surcharge set forth in 37 CFR 1.16(e) (non-small entity), or \$ 130 to complete the basic filing fee as a small entity and the \$65.00 surcharge set forth in 37 CFR 1.16(e) and file a small entity statement under 37 CFR 1.27 claiming such status (if the prior application was entitled to small entity status and such status is still proper and desired, a new small entity statement is not required (37 CFR 1.28)).

(b) Applicant must submit \$ \_\_\_\_\_ to complete the basic filing fee as a small entity and the \$65.00 surcharge set forth in 37 CFR 1.16(e).

- ☐ 2. Additional claim fees of  
 \$ \_\_\_\_\_ (non-small entity) or \$ \_\_\_\_\_ (small entity) for \_\_\_\_\_ independent claims over 3.  
 \$ \_\_\_\_\_ (non-small entity) or \$ \_\_\_\_\_ (small entity) for \_\_\_\_\_ claims over 20.  
 \$ \_\_\_\_\_ (non-small entity) or \$ \_\_\_\_\_ (small entity) for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

- ☐ 3. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).
- ☐ 4. The CPA request is unsigned. Applicant must file a signed duplicate or ratification of the CPA request.
- ☐ 5. Other: \_\_\_\_\_

A copy of this Notice **MUST** be returned with the reply.

Direct the reply and any questions about this Notice to:

Jim [Signature]

Examining Group 1600

(703) 306-8435